

**STATEMENT
OF
SENATOR DANIEL K. INOUE
VICE CHAIRMAN
COMMITTEE ON INDIAN AFFAIRS
BEFORE THE
JUNE 16, 2004 HEARING
ON S. 1996
THE OGLALA SIOUX TRIBE ANGOSTURA IRRIGATION
PROJECT REHABILITATION AND DEVELOPMENT ACT**

The Committee on Indian Affairs meets this afternoon to receive testimony on S. 1996, the Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act, a bill sponsored by Senator Tom Daschle of South Dakota.

The Angostura Unit, part of the Missouri River Basin Pick-Sloan Program, is an irrigation project operated by the Bureau of Reclamation in southwestern South Dakota.

This project diverts up to 48,000 acre-feet of water annually from the Cheyenne River to irrigate more than 12,000 acres of farmland in the Angostura Irrigation District.

The Pine Ridge Indian Reservation, home of the Oglala Sioux Tribe, is located on the Cheyenne River downstream of the Angostura Unit.

The Tribe receives no economic benefit from the operation of the Angostura Unit but does suffer significant economic, environmental, and ecological harm because of the greatly reduced flows in the Cheyenne River.

According to the testimony that has been submitted to the Committee for this hearing, the territory of the Oglala Sioux Tribe was first recognized by the United States in the Treaty of Fort

Laramie of 1851.

Under the Winters doctrine established by the U.S. Supreme Court, the reservation of lands for this tribe and for other tribes includes the right to a sufficient amount of water to fulfill the purposes for which the reservation was established.

Typically, these reserved water rights have a priority date that coincides with the date of establishment of a tribe's reservation.

Thus, the water rights of the Oglala Sioux Tribe pre-date the formation of the Angostura Irrigation Project by nearly 100 years.

Nonetheless, the operation of the Angostura Irrigation Project by the Interior Department's Bureau of Reclamation provides for no release of water for instream flows of the Cheyenne River upon which the survival of fish and wildlife, and tribal agriculture depends.

In August of 2002, a Final Environmental Impact Statement for the Angostura Unit was completed.

That final E.I.S. documented substantially diminished water flows in the Cheyenne River as well as serious impacts on water quality.

These circumstances have led to disputes between the Tribe and non-Indian water users over the continued operation of the Angostura Unit.

S. 1996 is intended to resolve those disputes. The bill has two parts.

Title I provides funds to upgrade the efficiency of irrigation works associated with the Angostura Irrigation District so that the water thus conserved can be returned to the River for the benefit of the Tribe and other downstream interests.

Title II establishes an economic development fund for the benefit of the Tribe.

Because we are advised that certain sections of this bill have yet to be fully developed, the Committee would hope that the Interior Department would be willing to work with the Committee and the Oglala Sioux Tribe in further refining this measure.